

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: **Asa William Shaw**

Case No.

Debtor(s)

Chapter 13 Proceeding

☐ **AMENDED**    ☐ **MODIFIED**

**DEBTOR(S)' CHAPTER 13 PLAN**

**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at [www.txwb.uscourts.gov](http://www.txwb.uscourts.gov).*

*Use of the singular word "Debtor" in this Plan includes the plural where appropriate.*

**Plan Summary**

- A. The Debtor's Plan Payment will be \$750.00 Monthly, paid by ☐ Pay Order or ☒ Direct Pay for 60 months. The gross amount to be paid into the plan is \$45,000.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 6% of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is \$500.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

**Plan Provisions**

**I. Vesting of Estate Property**

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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*Continuation Sheet # 1*

**II. Pre-Confirmation Disbursements**

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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**III. Executory Contracts/Unexpired Leases/Contracts for Deed**

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
Rent A Center	Furniture & Game system	Assumed	No

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

**IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506**

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
Freedom Acpt Furniture purchased at Freedom Furniture	\$5,000.00	\$1,450.00	Pro-Rata	5.25%	\$1,644.79	



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*Continuation Sheet # 3*

**2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS**

**A. Administrative Expenses**

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Watson Law Firm, P.C.	\$3,200.00	Along With	

**B. Priority Claims, Including Domestic Support Obligation Arrearage Claims**

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Internal Revenue Service	\$450.00	Along With	

**C. Arrearage Claims**

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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**D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed**

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks
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**E. Secured Creditors**

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Freedom Acpt TV purchased at Freedom Furniture	\$1,500.00	\$1,300.00	Pro-Rata	5.25%	\$1,701.46	Pay claim amount
Freedom Acpt Furniture purchased at Freedom Furniture	\$5,000.00	\$1,450.00	Pro-Rata	5.25%	\$1,644.79	
Harley Davidson Financial 2014 Harley 48	\$14,182.00	\$14,682.00	Pro-Rata	5.25%	\$16,086.97	

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Continuation Sheet # 4

Santander Consumer Usa 2008 Ford Edge	\$14,000.00	\$14,500.00	Pro-Rata	5.25%	\$15,880.50
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**F.** General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).  
*Describe treatment for the class of general unsecured creditors.*

General Unsecured Creditors will receive approximately 6% of their allowed claims.

Creditor	Estimated Debt	Remarks
Afni	\$569.00	
Allied Interstate Inc	\$894.00	
Applied Card Bank	\$812.00	
Armed Forces Loans Of	\$0.00	
Asset Acceptance	\$582.00	
Atg Credit	\$32.00	
Avant Credit Corporati	\$0.00	
Bank of America	\$0.00	
Freedom Acpt	\$3,550.00	Unsecured portion of the secured debt (Bifurcated)
Gm Financial	\$0.00	
HSBC Auto Finance / Santander	\$0.00	
Med Rev Recovery	\$109.00	
Military Star	\$893.00	
Militaryloans.com	\$0.00	
Omni Financial Of Cali	\$0.00	
Phoenix Management Sys	\$562.00	
Pioneer Mcb	\$5,826.00	
Pioneer Military Loans	(\$1.00)	
Sec Ntl Auto	\$4,702.00	
Security Nat Auto Acce	\$4,639.00	
Setfinancial	\$2,335.00	
Verizon	\$1,006.00	
Weisfield Jewelers/Sterling Jewelers Inc	\$0.00	
World Fin	\$630.00	

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**DEBTOR(S)' CHAPTER 13 PLAN**  
**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

Continuation Sheet # 5

**Totals:**

Administrative Claims	<u>\$3,200.00</u>
Priority Claims	<u>\$450.00</u>
Arrearage Claims	<u>\$0.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$31,132.00</u>
Unsecured Claims	<u>\$27,140.00</u>

**VII. Supplemental Plan Provisions**

The following are the Supplemental Plan Provisions:

**Agreed Orders**

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

**Disposable Earnings**

Pursuant to 11 U.S.C. § 1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan. The Debtor(s) agree to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing payout to unsecured creditors

**Authorization to send monthly bills**

Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, who receive monies as direct payments from Debtor(s) as a result of Debtor(s) election to pay such monies outside of the plan to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

**Certain Pre-Confirmation Disbursements**

If a creditor is listed as secured and scheduled to receive pre-confirmation disbursements and post-confirmation payments along with the other secured creditors, but such creditor subsequently files an unsecured claim, then the creditor will not receive any pre-confirmation disbursements and upon confirmation will be paid along with the other unsecured creditors. The funds that were allocated to such creditor as a pre-confirmation disbursement will be distributed on a pro-rata basis to the other secured creditors. Similarly, the funds scheduled to be received by such creditor along with other secured creditors on a pro-rata basis.

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*Continuation Sheet # 6*

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**Misfiled and Unfiled Creditors Paid Accordingly**

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 5.5% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

Respectfully submitted this date: 12/29/2014.

**/s/ W. Matt Watson**

W. Matt Watson  
1123 E. Rio Grande  
El Paso, Texas 79902  
Phone: (915) 562-4357 / Fax: (866) 201-0967  
(Attorney for Debtor)

**/s/ Asa William Shaw**

Asa William Shaw  
592 Golden Eagle Trail  
Chaparral, NM 88081  
(Debtor)

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: **Asa William Shaw**

*Debtor*

CASE NO.

CHAPTER **13**

*Joint Debtor*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on December 30, 2014, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

**/s/ W. Matt Watson**

W. Matt Watson  
Bar ID:24028878  
Watson Law Firm, P.C.  
1123 E. Rio Grande  
El Paso, Texas 79902  
(915) 562-4357

Afni  
xxxxxx1390  
Attention: Bankruptcy  
1310 Martin Luther King Dr  
Bloomington, IL 61701

Asa William Shaw  
592 Golden Eagle Trail  
Chaparral, NM 88081

Bank of America  
xxxxxx6602  
Attn: Correspondence Unit/CA6-919-02-41  
PO Box 5170  
Simi Valley, CA 93062

Allied Interstate Inc  
xxxx3023  
7525 West Campus Rd  
New Albany, OH 43054

Asset Acceptance  
xxxxxx6426  
Attn: Bankruptcy Dept  
PO Box 2036  
Warren, MI 48090

Freedom Acpt  
xxxxxxxxxxxxxx0008  
Customer Financial  
Norfolk, VA 23518

Applied Card Bank  
xxxxxxxxxxxxxx3938  
Attention: Bankruptcy  
PO Box 17125  
Wilmington, DE 19850

Atg Credit  
xxx3964  
1700 W Cortland St Ste 2  
Chicago, IL 60622

Freedom Acpt  
Customer Financial  
Norfolk, VA 23518

Armed Forces Loans Of  
xxxxxxxxxx370A  
6161 S Rainbow Blvd Ste  
Las Vegas, NV 89118

Avant Credit Corporati  
x7218  
640 Lasalle  
Chicago, IL 60654

Gm Financial  
xxxxxx0736  
Po Box 181145  
Arlington, TX 76096



**UNITED STATES BANKRUPTCY COURT  
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IN RE: Asa William Shaw*Debtor*

CASE NO.

CHAPTER **13***Joint Debtor***CERTIFICATE OF SERVICE**

(Continuation Sheet #1)

Harley Davidson Financial  
xxxxxxxxxx5764  
Attention: Bankruptcy  
PO Box 22048  
Carson City, NV 89721

Nationstar Mortgage LLC  
xxxxx7960  
Attn: Bankruptcy  
350 Highland Dr  
Lewisville, TX 75067

Sec Ntl Auto  
xx5399  
6951 Cintas Blvd  
Mason, OH 45040

HSBC Auto Finance / Santander  
xxxxxxxxxx5541  
Santander Consumer USA  
PO Box 961245  
Fort Worth, TX 76161

Omni Financial Of Cali  
xxxxxxxxxxxx0610  
71 N Pecos Road  
Las Vegas, NV 89101

Security Nat Auto Acce  
xxxxxxxxxxxx0001  
6951 Cintas Blvd  
Mason, OH 45040

Internal Revenue Service  
Centralized Insolvency Operations  
PO Box 7346  
Philadelphia, PA 19101-7346

Phoenix Management Sys  
xxxxx5158  
7841 Wayzata Blvd  
St Louis Park, MN 55426

Setfinancial  
xxxx1132  
761 Crossroads Pla  
Fort Mill, SC 29708

Med Rev Recovery  
xxx0366  
100 Metropolitan Dr Ste  
Liverpool, NY 13088

Pioneer Mcb  
xxx2097  
4000 S Eastern Ave Ste 3  
Las Vegas, NV 89119

STUART C. COX  
Standing Chapter 13 Trustee,  
1760 North Lee Trevino Dr.  
El Paso, TX 79936

Military Star  
xxxxxxxxxxxx9720  
3911 Walton Walker  
Dallas, TX 75266

Pioneer Military Loans  
xxx8696  
4000 S Eastern Ave Ste 3  
Las Vegas, NV 89119

Stuart C. Cox, Trustee  
1760 North Lee Trevino  
El Paso, TX 79936

Militaryloans.com  
xxxxxxxxxxxx1406  
Po Box 44215  
Las Vegas, NV 89116

Santander Consumer Usa  
xxxxxxxxxxxx1000  
Po Box 961245  
Ft Worth, TX 76161

Verizon  
xxxxxxxxxx0001  
500 Technology Dr  
Ste 550  
Weldon Spring, MO 63304

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